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Attorneys for Plaintiff  
DEL MAR SEAFOODS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DEL MAR SEAFOODS, INC.

Plaintiff,

vs.

BARRY COHEN, CHRIS COHEN (aka  
CHRISTENE COHEN), *in personam* and  
F/V POINT LOMA, Official Number  
515298, a 1968 steel-hulled, 126-gross ton,  
70.8- foot long fishing vessel, her engines,  
tackle, furniture, apparel, etc., *in rem*, and  
Does 1-10,

Defendants.

Case No.: CV 07-02952 WHA

**IN ADMIRALTY**

**DECLARATION OF MAX L.  
KELLEY IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO  
DEFENDANTS' MOTION TO  
VACATE ARREST**

Date: August 16, 2007  
Time: 8:00 a.m.  
Courtroom 9, 19th Floor  
Hon. William H. Alsup

And Related Counterclaims

I, Max L. Kelley, hereby declare:

1. I am an associate in the firm of Cox, Wootton, Griffin, Hansen & Poulos, LLP, attorneys of record for Plaintiff Del Mar Seafoods, Inc. ("Del Mar"). I submit this

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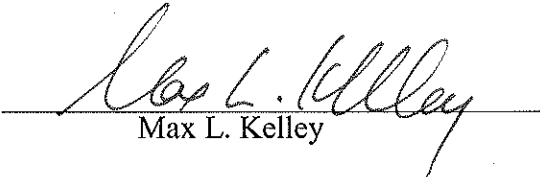
DelMarSeafoods/2504

1 declaration in support of Plaintiff Del Mar's Opposition to Defendants' Motion to Vacate the  
 2 Arrest of the Vessel F/V POINT LOMA. I have personal knowledge of the facts stated  
 3 below and if called to testify regarding those facts, I would and could competently testify  
 4 thereto.

5 2. Attached to Plaintiff's concurrently filed Request for Judicial Notice as  
 6 **Exhibit 1** are true and correct copies of the relevant excerpts from the transcript of the  
 7 deposition testimony of Barry Cohen given in *Barry A. Cohen; Leonard A. Cohen; Olde*  
 8 *Port Inn, Inc; and Olde Port Fisheries, Inc. v. Port San Luis Harbor District*, San Luis  
 9 Obispo County Superior Court Case No. CV 040897.

10 3. Attached to Plaintiff's concurrently filed Request for Judicial Notice as  
 11 **Exhibit 2** are true and correct copies of Exhibit 397 and 398 to the deposition of Barry  
 12 Cohen given in *Barry A. Cohen; Leonard A. Cohen; Olde Port Inn, Inc; and Olde Port*  
 13 *Fisheries, Inc. v. Port San Luis Harbor District*, San Luis Obispo County Superior Court  
 14 Case No. CV 040897.

15  
 16 I declare under penalty of perjury under the laws of the United States of America  
 17 that the forgoing is true and correct. Dated July 26, 2007 at San Francisco, California.

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 19   
 20 Max L. Kelley

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 25  
 26 COX, WOOTTON,  
 GRIFFIN, HANSEN  
 & POULOS LLP

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